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APPLICATION NO. 08/957,932	FILING DATE 11/12/97	FIRST NAMED INVENTOR HUNT	ATTORNEY DOCKET NO. G RDC-9639
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PM52/0331

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EXAMINER MARCELO, E

ART UNIT 3631	PAPER NUMBER
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DATE MAILED:

03/31/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/967,932

Applicant(s)

Hunt

Examiner
Emmanuel M. Marcelo

Group Art Unit
3631



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-7 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-7 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Mar 18, 1996 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

The drawings are objected to because Figures 1 and 2 must be separately labeled as "PRIOR ART". Correction is required.

Figure 3 is objected to under 37 CFR 1.83(a) because it fails to show the notch (54) as described in the specification. The alleged notch (54) in Figure 3 is not consistent with the notch (54) as shown in Figures 5 and 6. Note, in Figure 3, the continuous line of the left wall beginning from lip 56 as there is no notch formed/shown therein. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the acknowledged prior art (figures 1 and 2) in

view of FR 2,462,619 (hereinafter French '619). The acknowledged prior art discloses openings (24) formed in the frame forming lips (20) adapted to receive track flanges (38), the lips comprise first (18) and second (20) parallel lips defined on the frame base, said lips (18, 20) having ends, said first lip (18) is defined by the first lateral side of the base, a slot (22) defined in the base intermediate the base sides (16), the slot (22) defining the second lip (20).

The acknowledged prior art does not disclose forming the winch from a flat elongated blank then bending the blank end regions. French '619 disclose a tensioning mechanism using a pawl-controlled winder comprising a U-section base (1, 2) which is formed from folded sheet metal. It is readily evident that a monolithic frame piece has increased structural rigidity as compared to a frame of multi-piece construction. Moreover, the cost of manufacturing would decrease because intermediate steps such as welding would be eliminated. The prior art discloses a base comprised of separate base plates welded together. Thus, it would have been obvious to one of ordinary skill in the art to make the separate base plates of the acknowledged prior art of a monolithic piece by bending the blank end regions of a flat elongated plate, as taught by French '619, to increase the structural rigidity thereof as well as to decrease the cost of manufacturing.

The acknowledged prior art does not disclose the simultaneous step of forming the plate blank, notches, slot, and openings. However, it would have been obvious to one of ordinary skill in the art to simultaneously perform the steps to reduce the time required to manufacture the base.

The acknowledged prior art does not teach an aligned pair of openings defined in each of the walls at the corners thereof communicating with the lip-defining openings in the frame base. It would have been an obvious matter of design choice to provide the acknowledged prior art with openings defined in each of the wall at the corners thereof communicating with the lip-defining openings in the frame base because applicant has not disclosed that such openings solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well without the recited openings.

To the extent still applicable, Applicant's arguments filed November 12, 1997 have been fully considered but they are not persuasive.

In response to applicant's remarks bridging pages 4 and 5 regarding the multi-piece construction of the prior art and the alleged hindsight comparison, it is evident from the prior art figure supplied by applicant (on November 12, 1997) of the multi-piece frame that the prior art frame, though in separate pieces, is very similar to the instant invention of a one-piece frame.

Besides the difference of the prior art being of multi-pieces, the prior art figure does not have a notch at the corners of the frame walls proximate the lips (18). However, it appears that the invention would work equally well without the notches proximate the first or front lip and it appears that the above mentioned notches solve no particular problem and, thus, having such notches would be an obvious design choice involving no more than ordinary skill in the art. Further, from the figure supplied by applicant of the multi-piece prior art frame, it is clear that when modified to be a monolithic piece (as motivated by French '619), the first and second lips and the notch in the central region would be formed.


In response to applicant's remarks on the last paragraph of page 7 regarding the obviousness of making the multi-piece frame a monolithic piece, it is believed that the case of *Detroit Stove Works* provides the justification to make a device of multiple pieces into a single piece. A further motivation of making the multiple piece frame into a single or monolithic piece is to achieve greater structural rigidity as stated in the above rejection. Bending flat blanks into a U-shape frame is old and well-known as evidenced by the cited prior art, e.g., French '619, Miller '002, Alexander '975, Arbues '749, etc.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel M. Marcelo whose telephone number is (703) 305-6597. The examiner can normally be reached on Monday to Thursday from 8 a.m. to 5 p.m. The examiner can also be reached on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-4177. The fax phone number for this Group is (703) 306-4195 or (703) 306-4196 .

emm 
March 27, 1998


DONALD F. WALSH
SUPERVISORY PATENT EXAMINER
GROUP 2200 3631